

### **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

#### **Information Disclosure Statement**

Applicants kindly direct the Examiner's attention to the Information Disclosure Statement submitted concurrently herewith.

#### **Claim Amendments**

The step of fermenting in claim 9 is revised to fermenting with sour leaven or a combination of yeast which is obtained from sour leaven and lactic acid bacteria. This amendment is supported by the disclosure of page 15, lines 15-19, page 12, lines 21-22, and page 15, lines 9-15 of the original English specification.

A step of fermenting the dough with bread yeast is added to claim 9. This amendment is supported by the disclosure of page 23, lines 4-14 of the specification.

Claim 11 is amended to recite that the lactic acid bacteria is obtained from sour leaven.

Claim 12 has been amended to make an editorial change.

Claims 9 and 11-15 are pending.

#### **Rejection Under 35 U.S.C. § 101**

The rejection of claim 11 under 35 U.S.C. § 101 is rendered moot by the claim amendments.

#### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

The rejection of claims 9 and 11-15 as being indefinite under 35 U.S.C. § 112, second paragraph is rendered moot by the claim amendments.

**Patentability Arguments**

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 9 and 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-253095 (hereafter “R1”) in view of Kato et al. (US 5,972,394, hereafter “R2”).

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 11-253095 in view of Kato et al. (US 5,972,394) as applied to claim 9, further in view of Ishigaki et al. (US 6,183,787, hereafter “R3”).

These rejections are respectfully traversed.

First, the Examiner points out that “R1 discloses mixing about 10% (w/w) soybean milk with the cereal flour [0016]” (page 4, paragraph 5 of the Official Action). However, this assertion is incorrect. Example 1 of R1 relates to a sponge dough method (see paragraph [0016] of R1, “sponge dough was obtained”). A sponge dough method is preformed by a **two-step fermentation** process in which a portion of flour is previously fermented to prepare sponge dough, and then the remaining ingredients are added to the dough (page 2, lines 9-12 of the original English specification).

Therefore, in Example 1 of R1, the remaining ingredients described in paragraph [0018], i.e., **strong flour (30 parts by weight)**, sugar (10 parts by weight), powdered skim milk (2 parts by weight), salt (2-1.8 parts by weight), **soybean milk (25 parts by weight)**, and water (2 parts by weight), are added to the sponge dough and the mixed dough is subjected to further fermentation (paragraph [0018]). In the present claim 9, “0.35 to 3.5 parts by weight” is soybean solid content based on **100 parts by weight of the cereal flour**. In the mixed dough of Example 1 of R1, **strong flour is 100 parts by weight** (70 parts by weight in the sponge dough and 30 parts by weight in the remaining ingredients), and **soybean milk is 35 parts by weight** (10 parts by weight in the sponge dough and 25 parts by weight in the remaining ingredients). Assuming the soybean milk to contain 15-20% solid content, the soybean solid content of the mixed dough

based on 100 parts by weight of the cereal flour is **5.25-7 parts by weight**. This clearly falls outside the range of 0.35 to 3.5 parts by weight, as required by Applicants' claims.

Furthermore, R1 intends to add sufficient quantity of soybean milk as the part of the raw material (paragraph [0012] and [0014]). R1 does not disclose adding a small amount of soybean milk as a bread improving agent.

Second, the Examiner acknowledges that R1 is silent regarding the addition of sterilized; fermented milk in the bread formulation. The Examiner points out that R2 discloses a method of preparing a fermented soybean milk comprising subjecting a soybean milk to fermentation with yeast and lactic acid bacteria. (See item 8 of the Office Action.) However, R2 relates to fermented soybean milk **as a beverage**. R2 does not disclose adding the fermented soybean milk to bread. Therefore, one of ordinary skill in the art would not understand the amount of fermented milk to add, nor would they understand or predict the effects achieved when the fermented milk is added to bread dough.

The Examiner asserts that using sour dough is known in the art of baking. However, this point seems to show that a skilled person in the art would not use sour leaven or yeast which is obtained from sour leaven for preparing the fermented soybean milk of R2, since R2 relates to the **beverage art**.

Even if a skilled person in the art tries to use sour leaven or yeast which is obtained from sour leaven, the present invention would not be obvious, because a skilled person in the art would not employ a complicated process, i.e., a process of adding yeast and sterilizing the yeast, and adding yeast again. Rather, the common general technical knowledge is only to add yeast derived from sour leaven to bread dough in order to ferment the bread dough.

Therefore, even if R1 and R2 are combined, the present invention would not be obvious to a skilled person in the art, for the reasons described above.

R3 is relied upon as disclosing a quality improver for producing bread comprising lactic acid. This reference does not remedy the above-discussed deficiencies of R1 and R2.

For these reasons, the invention of claims 9 and 11-15 is clearly patentable over the cited references. Withdrawal of the rejections is respectfully requested.

**Conclusion**

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Hitoshi YOKOYAMA et al.

/Amy E. Schmid/

By 2010.12.06 14:16:08 -05'00'  
Amy E. Schmid  
Registration No. 55,965  
Attorney for Applicants

AES/cbc  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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